1956

Department of Cooperation
Office of the Registrar Coop
Madra

D R P 39155 P

57 10-7-56

P. 4
Cy P. 56

(Arbitration The Talabadu
atture society Awards in ARC 104/55
Revisions of

Provincial
Central

T. & A. 213

M.I.C. 16.
ORIGINAL.

Reserve Bank of India
Imperial Bank of India

Cheque for payment of money into the

No. 807

Amount paid (in words and figures) per authorised [illegible] to be paid.	On [illegible] account [illegible] authority [illegible]	Amount. Head of account.*
Mechanical Engr 810 Laboratory Telephones 6-6-55	Fuel for Research petchau N 365 Supdt 55	8 JUN 1955 MADRAS Rupees [illegible] To credit Revd Expdr

Signature of Remitter

* Head of account should be filled in by the Departmental Officer or the Treasury. In cases where direct credit to Bank are permissible the column "Head of account" will be filled in by the Treasury Officer or the Accounts Officer, as the case may be on receipt of the Bank's Daily sheet

[P.T.O.

For [illegible]

Correct. Receive and grant receipt. T. & A. 218.

Signature and full designation of the officer ordering the money to be paid

eserve Bank of India at
mperial Bank of Ind a at Madras
he_____19 } Entered—Correct

Initials of Treasury Accountant

Received Rupees

Cashier

Bank Accountant.

Accountant.

Dated_____194

* To be used when a departmental officer passes the sanction for a payment by a private party.

MADRAS 2 MAY 1955

(12) 13 86345

RP 39/55

Before the Registrar of Co-operative Societies,
Chepauk, Madras.

In the matter of Cl.No.101/54-55
before the Honorary Arbitrator.

RP 67039/55
2.5.55

1. Mohamad Beary s/o Babaya Beary, M.No.159.
2. Arabi Beary s/o Babaya Beary. M.No.160.
3. T.C.Abdul Khader, s/o T.C.Chaire Beary.

All residing at Talapady, Mangalore Taluk. } Appellants.

vs.

The Secretary of Talpady Co-operative Society L.N.402 Respondent.

(1) RP. 981 6.6 VJ 816

Revision petition under Sec.51(5) of M.C.S.Act.

The appellants abovenamed beg to prefer this Memorandum of Appeal on the following among other grounds:-

1. The claim for Rs.274-7-4 is unjust, legally unsustainable on the facts of the case, and without proper consideration as contended, and the claim is liable to be dismissed with appellants' costs.

2. The learned Arbitrator while admitting that the affairs of the Plaintiff Society are not beyond suspicion, has gone wrong in putting the burden of proving of non-receipt of consideration on the Appellants themselves.

3. There are no reasonable grounds to believe the evidence of P.W.1 Secretary of the Plaintiff Society, and disbelieving the evidence of Appellants.

4. The Appellants are of opinion that their signatures have been forged, and the appellants be given an opportunity to prove same by referring to an Hand-writing expert.

5. The appellants therefore pray that after admitting this appeal, and on perusing the lower Court's records, and evidences, the decree of the Honorary Arbitrator be reversed and set aside, and the decree be stayed pending decision of this appeal.

A chalan for Rs.1/- is enclosed.

Mangalore, D/- 30-4-55.

1. ಮಹಮ್ಮದ ಬ್ಯಾರಿ
2. ಅರಬ್ಯಾ ಬ್ಯಾರಿ.
3. ಟಿ.ಸಿ.ಅಬ್ದುಲ್ ಕಾದರ್.

Appellants.

In the Court of the Honorary Arbitrator, Mangalore

Cl. No. 101/54-55

Plaintiff – The Secretary, Talapady Cooperative Society

Versus.

Defendants:- 1. Mohamad Beary S/o Babbaya Beary M.No 159.
2. Arabi Beary S/o Babbaya Beary. M.No 160.
3. T.C. Abdul Khadar S/o T.C. Chariya

Order

The Claim is for recovery of Rupees 274-7-4 being the amount due to Plaintiff Society in respect of Surety Bond executed by defendants in favour of Plaintiff Society. Defendants No. 1, 2 and 3 are all present. D1 says that he went to the Society's office with a view to get a loan of Rupees 750/-. So he requested the Secretary to get him admitted to the said society. As asked by the Secretary of Plaintiff Society, D1 took Abdul Khadar Beary, D3 and Arabi Beary D2 who would be sureties to him. D1 further says that the Secretary of the Plaintiff Society asked him, D2 and D3 to sign one register and 2 or 3 forms. After taking signatures, the Secretary Of the Plaintiff Society asked D1 to wait for some time as the amount required had to be obtained from the S.C.C. Bank. D1 says that he waited and waited for one and half months Afterwards, Secretary of the Plaintiff Society told D1 that there is no chance of getting Bank loan. So D1 says that he left to Sakleshpur via-route to Kumbalki where he had

PTO

small Cardamum Estate' Thers. D1 says that he has not received any consideration from the society. After one year. in March 1954, D1 says that he received a registered notice stating that the loan of Rupees 250/- taken by him on bond NO. 412/18-4-53 has fallen overdue on 31-3-54 and that the amount should be repaid at once with interest and costs. D1 says that he replied by registered notice stating that he has not received loan amount after 3 months i.e. on 9-7-54. Now when Surety Bond Ex. A. is shown to him, D1 says that he might have signed some forms and registers as shown by the Secretary of the Plaintiff Society. He says that he has not paid anything towards share capital nor he remembered to have signed a Surety Bond. Even if there is his signature it is not mine. D3 also says that he had been to the Society's Office along with D1 to stand as surety to D1. He also says that he might have signed some forms and registers. He denies about the payment of loan amount to D1. PW1, the Secretary of the Plaintiff Society deposes as follows: D1 came to the Society's Office and asked for a loan of Rs. 750. D1 brought D2 and and D3 as Sureties. The PW1 says that as one member cannot get a loan of Rs. 750-0-0 he asked D1 and D2 and D3 to take a loan of Rs. 250-0-0 each. So he took share appli-

but denied that he has signed the bond as shown to him. D2 says that it is true that he had been to the Society's Office along with D1 and signed some forms

cations from them Ex.B. They were accordingly admitted as members. In the meeting held by the Panchayat, loans were also sanctioned to them. After taking Surety Bond Ex.A. and receipt for payment of loan amount Ex.E; loan amount has been disbursed to D1 for a period of one year after getting the amount from the S.C.C.Bank. After one year when loan amount fell overdue on 1-3-1954. Registered notices were issued to D1, D2 and D3. D1 replied after 3 months on 9-7-54 denying the loan entirely Ex.D. The same was placed before the Panchayat and it was resolved to file arbitration suit against D1, D2 and D3.

Now, D1 admits that he had been to the Society's Office and asked for a loan of Rs.750-0-0. He also admits that he has signed one register and 2 or 3 forms. He also took D2 and D3 as sureties. D2 and D3 also admit that they have signed some register and also 2 or 3 forms. PW2 and PW3 also state that D1, D2 and D3 had come to the Society's Office and they were also present when loan amounts are being disbursed to them

On a consideration of the materials placed before me. I am constrained to hold that the working of a society is most irregular. It is dominated by the Secretary who has practically converted it into one man show. The President who is entitled under the bylaws to disburse loan amounts

appear to have left everything to the Secretary and whose dealings, as they find from the records do not appear to be beyond suspicion.

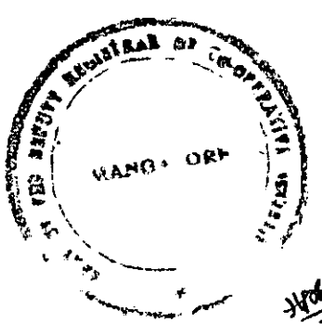
However in the present case the burden of proving that defendants have not received the consideration is heavily on them. This denial is vague and unsupported by independant evidence. The evidence on record is wholly consistent with the Plaintiff's case. I have compared the signatures in Ex. A and E with Signatures in Ex. B. and registers which are admitted by them Ex. B. and I find them similar. I accept the evidence of PW1 and disbelieve the evidence of D1 to D3 and hold that defendants have received the full consideration before executing Ex. E

In the result, the suit is decreed for Rupees 2714-7-4 against D1, D2 and D3 with interest at 9-6-0 % from the date of Plaint to the date of realisation and also Court cost thereon Rupees 2-11-0 only

Dated-2nd-March-1955

P. Sunder Bhat.
2-3-55
Arbitrator

(True Copy)



Deputy Registrar

From

[illegible], B.A., B.L.,
Deputy Registrar of Cooperative Societies, [illegible].

To The Registrar of Cooperative Societies, [illegible].

By Regd. Post

No. Rc.11737/55 G.

Dated 27--7--1955.

OFFICE OF THE REGISTRAR OF [illegible]
1 AUG 1955

Sir,

Sub: ARBITRATION--ARC.101/54-55 on the file of Deputy Registrar, Mangalore--Revision of--Remarks offered.

Ref: Registrar's Endt.N.Ref.36/55 P dated 18-6-55.

****

I submit below my remarks on the Revision Petition filed by (1) Sri Mohamad Beary, (2) Sri Arabi Beary and (3) Sri T.C. Abdul Khadar Beary against the orders of the arbitrator in ARC.101/54-55 on the file of the Deputy Registrar of Cooperative Societies, Mangalore.

2. This is a monetary suit filed by the Secretary of the Talapady Multipurpose Cooperative Society against the petitioners for the recovery of Rs.274-7-4 due to the society in respect of loan No.412 of Rs.250 borrowed on a surity bond dated 18-4-53 executed by the defendants with Sri Mohamad Beary as principal borrower and the other two as surities. The bond is marked exhibit A The application of Mohamad Beary dated 12-4-53 for admission as a member of the society is also produced and is marked Exhibit B. The loan amount of Rs.250/- was dusbursed to the principal borrower Mohamad Beary on 18-4-53 and the receipt obtained from him for the amount is ~~mar~~ produced and is marked exhibit E. The period for repayment of the loan expired on 15-3-54 and no amount was repaid to the society. The society issued registered notice to the borrowers demanding the dues on 31-3-54 and the postal receipt for despatch of the notice to the principal borrower is filed and is marked Exhibit C. Copy of the notice issued has however not been filed. The principal borrower sent a reply to the registered notice after a lapse of more than 3 months stating that he has not received the loan amount and denying his liability for the dues. The reply received from the borrower Mohamad Beary is filed and is marked Exhibit D. Thereupon the Panchayatdars of the society in their meeting dated 15-7-54 resolved to file an Arbitration Suit for the recovery of the loan amount along with interest and hence the suit was filed. The Suit was admitted on 16--7--1954 and was transferred for disposal to Sri P. Sunder Bhat Honarary Arbitrator, Mangalore. The loan ledger extract produced and marked Exhibit F shows that no amount was paid towards the loan. The suit was heard by the Arbitrator and a decred was passed by him against all the ~~x~~three defendants on 2-3-55.

3. Sri Mohamad Beary states that he went to the society to get a loan of Rs.750/- and signed a register and 2 or 3 forms along with the other two defendants as asked by the Secretary, but has neither joined the society as a member nor paid any share capital nor has he executed the bond and received the loan amount. Defendant No.2. deposes that he went to the society to stand surety to defendant 1 and in that connection he signed some forms; but he denies his signature in the bond Exhibit A. Defendant 3 admits having stood surety to defendant 1 and admits his signature in the loan bond. Sri T. Subraya Maiya who has attested the bond was also examined and he deposes that the defendants had executed the bond exhibit for the loan and the loan was disbursed in his presence. Another witness Sri Veera Shetty also states that he was present for the meeting in which the loan was sanctioned and that he too has seen the disbursement of the loan. The Secretary of the plaintiff society states that the loan was actually disbursed and the borrower Mohamad Beary on receipt of the registered notice had come to the society and requested for time but though he was asked to pay the interest and a small portion towards principal also filed to pay any amount and sent a reply denying his liability after a lapse of 3 months.

PTO

4. All the above exhibits and other evidences go to show that the findings of the arbitrator are correct. The arbitrator has also satisfied himself as to the genenniness of the signatures of the defendants in exhibits A, B and E by comparing them with their other signatures. The contention of the defendants that their signatures are forged and the loan amount was not paid to them does not seem to be correct and is not supported any material evidence.

5. Registrar's N.reference cited above is resubmitted along with claim No.101/54-55 on the file of the Deputy Registrar.

for DEPUTY REGISTRAR.

Encl:- 1.Registrar's N.Ref.36/55 P dated 18-6-55.
2.Claim No.101/54-55.

MAJ/28-7-

VE
a
30/6

OFFICE OF THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
30 JUN 1955

Office of the Registrar of 11-6-55
1173
Cooperative Societies Madras 6/s

To be resubmitted

Endt No Ref R.P. 39/55P.

A copy of the revision petition filed by Messrs 1) Sri. Mohamed Beary 2) Sri. Arabi Beary and 3) Sri. T.C. Abdul Khadar Beary is enclosed. The Deputy Registrar, Mangalore is requested to offer his remarks on the revision petition and submit the connected records in original.

27.6.55
Joint Registrar.

11/6/55 11/6 15/6 27/6

To

The Deputy Registrar of Coop Socs.
Mangalore.

1 LTPR 333/27/1 13

SECTION 51(5) OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present: Sri. Md. Abdul Hafeez, M.A.,

JOINT REGISTRAR.

R.P. 39 /1955 P Dated: 1-1956

Sub: Arbitration — The Talapady Coop. Society — award in ARC 101/54-55 — Revision of

Ref; R.P filed by Sri. Mohamad Beary and others. dt 3-

Please take notice that the above revision petition will be heard on the 16th day of Feb 1956 at 10-30 AM in the Office of the Registrar of Cooperative Societies, Chepauk, Madras. You are hereby summoned to appear before me in person to answer all material questions relating to the revision petition and to answer the claims. As the date fixed for your appearance is appointed for the final disposal of the Revision Petition, you must be prepared to produce on that day all the documents upon which you intend to rely in support of your claim or defence. Please also take notice that in default of your appearance on the day mentioned the revision petition will be heard and determined in your absence.

Joint Registrar.

To

1) Sri. Mohamad Beary
S/o Babaya Beary
Talapady, Mangalore Taluk
2) Sri. Asabi Beary
S/o Babaya Beary
Talapady, Mangalore Taluk
3) Sri. T.C. Abdul Khader
S/o T.C. Chaire Beary
Talapady, Mangalore

By Registered Post Acknowledge Due.

Copy to the Deputy Registrar of Cooperative Societies, Mangalore.

④ The Secretary
The Talapady [illegible] Co-op. Society
Talapady, Mangalore Taluk

With acknowledgment of the R/P at c/f 13-1[illegible]

[illegible] (Regd)
[illegible]

No. 48

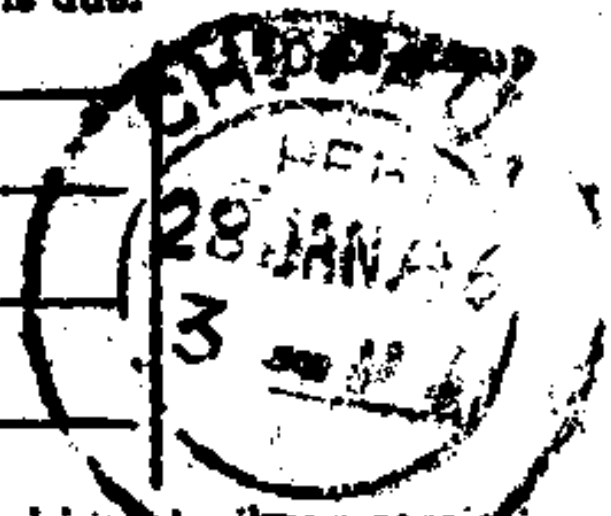
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due. Rs. 15 As.

Received a V.-P. registered* _____

addressed to _____

_____

_____



_____ * Write here 'letter.' 'Parcel.' or 'railway receipt' with the word 'insured' before it when necessary.

Initials of receiving officer.

To be filled in only when the article is to be insured : otherwise to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) _____ *(in words)* _____

_____

Insurance fee Rs. _____ *As.* _____ Weight (in words) } Rates _____ Tolas

No. 50

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due. Rs.

Received a V.-P. registered* _____ Date-stamp

addressed to _____

_____

_____

_____

Initials of receiving officer.

* Write here 'letter.' "Parcel" or "railway receipt" with the word 'insured' before it when necessary

To be filled in only when the article is to be insured. otherwise to be crossed out by means of two diagonal lines

Insured for Rs. (in figures) _____ *(in words)* _____

Insurance fee Rs. _____ *As.* _____ Weight (in words) } Rates / Tolas

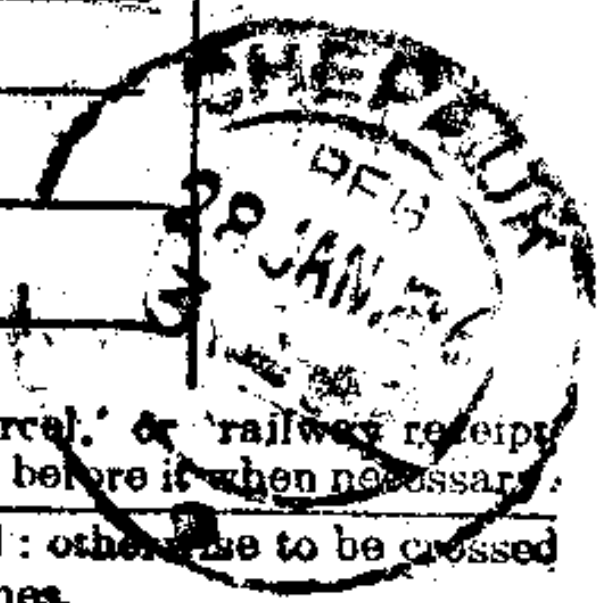
No. 47

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Rs.

Received a V.-P. registered* _____

Date-stamp



addressed to _____

_____

_____

_____

Signature of receiving officer.

* Write here 'letter,' 'Parcel,' or 'railway receipt' with the word 'insured' before it when necessary.

To be filled in only when the article is to be insured: otherwise to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) _____ *(in words)* _____

Insurance fee Rs. _____ *As.* _____ Weight (in words) } Rates Tolas

No. **49**

Stamps affixed except in case of uninsured letters of **not more than the initial weight** prescribed in the Post and Telegraph Guide on which **no acknowledgment** is due.

Rs. As.

Received a V.-P. **registered** * _____ Date-stamp

Addressed to _____

_____

_____

_____

Initials of receiving officer.

Write here 'letter,' 'Parcel,' or 'railway receipt' with the word 'insured' before it when necessary

* To be filled in only when the **article is to be insured : otherwise to be crossed out by means of two diagonal lines.**

Insured for Rs. (in figures) _____ *(in words)* _____

_____

Insurance fee Rs. _____ *As.* _____ Weight (in words) _____ Rates (in words) _____

1 RS

Vide 21. 1/2 R P 39/55P

23

23-1-56

memo

Sub:- Arbitration Dhetala Jaddy C.S - award in ARC 101/54-55 - Revision

Ref:- J.R (R1's notice R P 39/55P dt 27-1-56

The R.P. 39/55P which stands posted for hearing on 27-2-56 is adjourned sine die. The next date of hearing will be intimated in due course.

Mdh 31.1.56
FJTR.

To
1) Sri. Mohamed Beary
S/o Babalya Beary
Talapady, Mangalore (P.O) Taluk

Vide 21. 1/2 R P 39/55P

23-1-56

To go today

5 copies pl

CP 13

DEPUTY REGISTRAR
2-FEB 1956

4) Sri Arabi Beary
S/o Sri Babaya Beary
Talapady - Mangalore taluk

3) Sri. T.C. Abdul Khader
S/o T.C. Chaire Beary
Talapady, Mangalore taluk

4) The Secretary
Talapady C.S. Mangalore taluk

Copy to D.R. Mangalore.

14 w 126 20 225=

NOTICE UNDER SECTION 51(5) OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present: Sri Md Abdul Hafeez, M.A.,

JOINT REGISTRAR.

R.P. 39/1955 P Dated: 20-2-1956

Sub: Arbitration The Talapady Co-op award in ARC 101/54-55 Revision Of

Ref: JR(R)'s Memo RP 39/55 P dt 31-1-56.

Please take notice that the above revision petition will be heard on the 1st day of March 1956 at 10-30 AM in the Office of the Registrar of Cooperative Societies, Chepauk, Madras. You are hereby summoned to appear before me in person to answer all material questions relating to the revision petition and to answer the claims. As the date fixed for your appearance is appointed for the final disposal of the Revision Petition, you must be prepared to produce on that day all the documents upon which you intend to rely in support of your claim or defence. Please also take notice that in default of your appearance on the day mentioned the revision petition will be heard and determined in your absence.

20.2.56

Joint Registrar.

To

1) Sri. Mohamad Beary S/o Babarya Beary Talapady, Mangalore Taluk
2) Sri Arabi Beary S/o Babarya Beary Talapady, Mangalore Taluk
3) Sri T.C Abdul Khader S/o Sri T.C. Chaire Beary Talapady, Mangalore Taluk (P.T.)

By Registered Post Acknowledge Due.

Copy to the Deputy Registrar of Cooperative Societies, Mangalore

4) The secretary
Talapadi coop. society
Talapadi. Mangalore Taluk

By Regd
post A/c
issue

1/10
20/2

MEMORANDUM OF THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES (RESETTLEMENT) MADRAS.

Sri Md. Abdul Hafeez, M.A.,
Joint Registrar.
(Resettlement).

R.P.36/55 P. Dated 1.3.1956.

Sub:- Arbitration-The Talapady Cooperative Society-Award in ARC. 108, 387 and 101/54-55-Revision -Certain particulars-called for.

The Revision Petitioners, Sris T.C. Abdul Kader Beary, Arabi Beary and Mohamed Beary in Revision Petitions 38, 36 and 39/55 P, respectively have alleged that their signatures were forged etc. The Deputy Registrar, Mangalore is requested to report whether the loans in question (L.Nos.414, 411 and 412) were verified by auditors at the time of final audit or interim audit of the Talapady Society, since the issue of loans to the petitioners and whether they have accepted liability of the loans etc. The relevant records if any should be submitted for perusal and return.

Md. Abdul Hafeez,
Joint Registrar
(Resettlement).

(Forwarded/By Order)

Superintendent.

2.3.56

ADK.2.3.56.

To
The Deputy Registrar, Mangalore.
Copy to R.P. Nos.38 and 39/55 P.

51(5)

NOTICE UNDER SECTION ~~51~~ OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present: Sri. Md. Abdul Hafeez, M.A.,

JOINT REGISTRAR.

R.P. 39/1955P Dated: 26-3-1956.

Sub: Arbitration – The Talapadys.c.s. award in ARC 101/54-55 Revision of

Ref: JR(R)'s Notice RP 39/55P dt 20.2-56.

Please take notice that the above revision petition will be heard on the 7th day of April 1956 at 10-30 AM in the Office of the Registrar of Cooperative Societies, Chepauk, Madras. You are hereby summoned to appear before me in person to answer all material questions relating to the revision petition and to answer the claims. As the date fixed for your appearance is appointed for the final disposal of the Revision Petition, you must be prepared to produce on that day all the documents upon which you intend to rely in support of your claim or defence. Please also take notice that in default of your appearance on the day mentioned the revision petition will be heard and determined in your absence.

DESPATCHED
28 MAR 1956

26.3.56

Joint Registrar.

To
1) Sri. Mohamed Beary, S/o Sri Babarya Beary, Talapady, Mangalore Taluk
2) Sri. Arabi Beary S/o Babarya Beary Talapady, Mangalore Taluk
4) Sri T.C. Abdul Khader S/o T.C. Chaire Beary Talapady Mangalore Taluk

By Registered Post Acknowledge Due.

Copy to the Deputy Registrar of Cooperative Societies, Mangalore

(P.T.O.)

4) The Secretary,
The Kotekar Agricultural Coop Bank LTD Kotekar Mangalore Taluk

By Regd Post A/c due

Re Arbitration - The Talapady Co-op: Society - Award in RRe 101/54-55. Revision of RA. 39/1956.

c/f 3 of

This is a Revision Petition filed by Sri Mohamed Beary, Arabi Beary and T.C. Abdul Kader against the award passed in RRe 101/54-55. D. 2. 3. 1955. The Talapady Co-op Society filed an arbitration reference before the D.R. Mangalore for the recovery of Rs 274. 7. 4 being the amount due in a purchase loan from the petitioners the D.R took the reference on file and referred it to an Hon. Arbitrator for enquiry and disposal. The Arbitrator enquired into the matter and passed an award for Rs 274-7-4 against the petitioners. Against this award of the Arbitrator, the Revision Petition has been filed. The main contention of the petitioners is that their signatures were forged. The judgement of the Arbitrator and the remarks of the D.R on the R.P may be perused. There is nothing on record to prove that the signatures were forged. It is for consideration whether the matter may be referred to the Handwriting Experts to arrive at the correct conclusion.

27/2 28/2/56.

7.4.56. Petitioner is Sri Abdul Beary - Advocate for C.C. - Applicant. Advocate for Petitioner - Arbitration Proceedings on 10.4.55 - Arbitrator 10.4.55 - Petitioner & witness heard - Arbitrator

S.C fix

MEMORANDUM OF THE REGISTRAR OF COOPERATIVE SOCIETIES, MADRAS.

...

SRI A. PALANIAPPA MUDALIAR, M.A.,
Registrar.

....

R.P.36/55 P Dated: 10.4.1956.

Sub:- Arbitration--The Talapady Cooperative Society--Award in A.R.C.108/54-55--Revision of

Ref:- Joint Registrar's Notice R.P.No.36/55 P dated 26.3.1956.

...

The Deputy Registrar Mangalore is requested to ascertain from the Mangalore District Cooperative Central Bank whether the Bank supervisor had visited the Talapady Society before the Bank loan was actually disbursed by the Bank to the society verified the loan bonds in the 3 cases (loan Nos.414, 411 and 412) and reported the fact to the Deputy Registrar Bank, or atleast after disbursement of the loan, he examined and verified the parties and gave a report to the Bank. He is requested to submit a detailed report on the matter atonce after getting the connected loan files and other records verified.

Md. Abdul Hafeez,
For Registrar.

Forwarded/By Order.

SUPERINTENDENT. 10.4.56

V.K.S.d/10.4.

To

The Deputy Registrar Mangalore.

Copy to Case Nos.R.P.s38/53 P and 39/55 P.

51 (5-) 151/1955 - 31-

NOTICE UNDER SECTION ~~57~~ OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present: Sri. A Hundayasamy, B.A.,

JOINT REGISTRAR.

R.P. 39/1955-P Dated: -5- 1956

Sub: Arbitration - The Talapady C.S Award in ARc 101/54-55 - Revision of

Ref; J.R(R)'s notice RP 39/55-P dt 26.3.56 rcvd 2-

Please take notice that the above revision petition will be heard on the 21st day of May 1956 at 11 AM in the Office of the Deputy Registrar of Cooperative Societies, ~~Chepauk~~, Mangalore ~~Madras~~. You are hereby summoned to appear before me in person to answer all material questions relating to the revision petition and to answer the claims. As the date fixed for your appearance is appointed for the final disposal of the Revision Petition, you must be prepared to produce on that day all the documents upon which you intend to rely in support of your claim or defence. Please also take notice that in default of your appearance on the day mentioned the revision petition will be heard and determined in your absence.

With RP 36/55P

RECEIVED 14 MAY 1956

Joint Registrar

To 1) Sri Mohamed Beary, S/o Sri Babaya Beary Talapady, Mangalore T/S

2) Sri Arabi Beary S/o Babaya Beary Talapady, Mangalore T/S

3) Sri T.C Abdul Khader. S/o T.C. Chair. Beary Talapady

By Registered Post Acknowledge Due.

Copy to the Deputy Registrar of Cooperative Societies, Mangalore

(P.T.O.)

4) The Secretary
The Kolekar Agricultural Co-op. Bty Ltd
Bombay Kolekar Postage
Mangalore Taluk) due.

11/5/56

33-

ORDER UNDER SECTION 51 (5) OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present:- Sri A. Hirudayaswamy, B.A.,
Joint Registrar.

R.P. 39/55 P. D/ 29--5-1956.,

Sub:- Arbitration- The Talapady C.S. - Award in A.R.C. 101/54-55 - Revision ~~of~~ petition - dismissed.

Read:- 1) Revision petition filed by Sri Mohamed Beamy and others.
ii) Letter No. 11737/55 G dt 28-7-55 of the D.R. MGE.
iii) J.R.'s notice R.C.39/55 P dt 26-3-56 and 14-5-56 and
iv) Other connected records.

O R D E R:-

This is a Revision Petition filed by ~~Sri~~ Messrs. Mohamed Beamy, Sri Arabi Beamy and ~~Sri~~ T.C. Abdul Kader against the award passed in A.R.C. 101/54-55 dated 2-3-55. The facts of the case are as follows:-

2) The Talapady C.S. filed an arbitration reference before the D.R. Mangalore for the recovery of Rs.274-7-4 from the petitioners. ~~The amount on a represented the dues in a surety loan issued to~~ executed by Sri Mohamed Beamy, the principal borrower by ~~the Talapady C.S.~~ and his sureties and 3rd petitioner as surety. The D.R. took the reference on file and referred it to an Hony. Arbitrator for enquiry and disposal. The Arbitrator who enquired into the matter passed an award for Rs. 274--7--4 against the ~~principal borrower Sri Mohamed Beamy and Sri T.C. Abdul Kader~~ petitioners

and ~~sureties Sri Arabi Beany and T.C. Abdul Kader.~~

Against this award of the Arbitrator, the R.P. has been filed.

3. The Revision Petition came up before me for final hearing on 21-5-56 at Mangalore. The petitioners remained exparte. The Talapady C.S. (now the Kotekar Agricultural Cooperative Bank) was represented by its ~~Director Sri T. Subbaroya Bhat~~, The contention of the petitioners is that their signatures were forged and that they did not sign the bond nor did they receive any amount. It was seen from the records that the bond was signed by the petitioners and the principal borrower had acknowledged receipt of the amount of loan disbursed. It is also seen that the petitioners had signed the admission register of the society when they were admitted as members. ~~There is nothing on record to disbelieve the society.~~ It is clear from the relevant records produced before me that the loan in question was disbursed to the principal borrower who had acknowledged receipt of the amount of loan disbursed. In the result I find no reason to interfere in the matter and the Revision Petition is therefore, dismissed.

Given under my hand and seal this 29th day of May 1956.

o/c

J.R. (R).

To

1) Sri Mohamed Beany, S/O Pasha Babaya Beany, Talapady, Mangalore Taluk.
2) " Sri T.C. Abdul Kader, S/O Chaire Beany, Talapady, MangaloreTaluk.
3) " Arabi Beany, S/O Babaya Beany, Talapady, Mangalore Taluk.
4) " The Secretary, The Kotekar Agricultural Coop. Bank, Kotekar, Mangalore Taluk.

Copy to the D.R. Mangalore. His office disposal A.R.C. 101/54-55 is returned. Its receipt should b acknowledged.

For Insurance Notices see reverse.

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide or which no acknowledgment is due.

No. **146**

Rs. —As.

Date-stamp.

Received a registered* _____

addressed to _____

_____

_____

Initials of Receiving Officer.

*Write the word "letter," "parcel," "packet," or "bag," as the case may be, with the word "insured" before it when necessary.

Insured.

Insured for Rs. (*in figures*) _____ (*in words*) _____

_____

Insurance fee Rs. _____ *As.* _____ (*in words*) _____

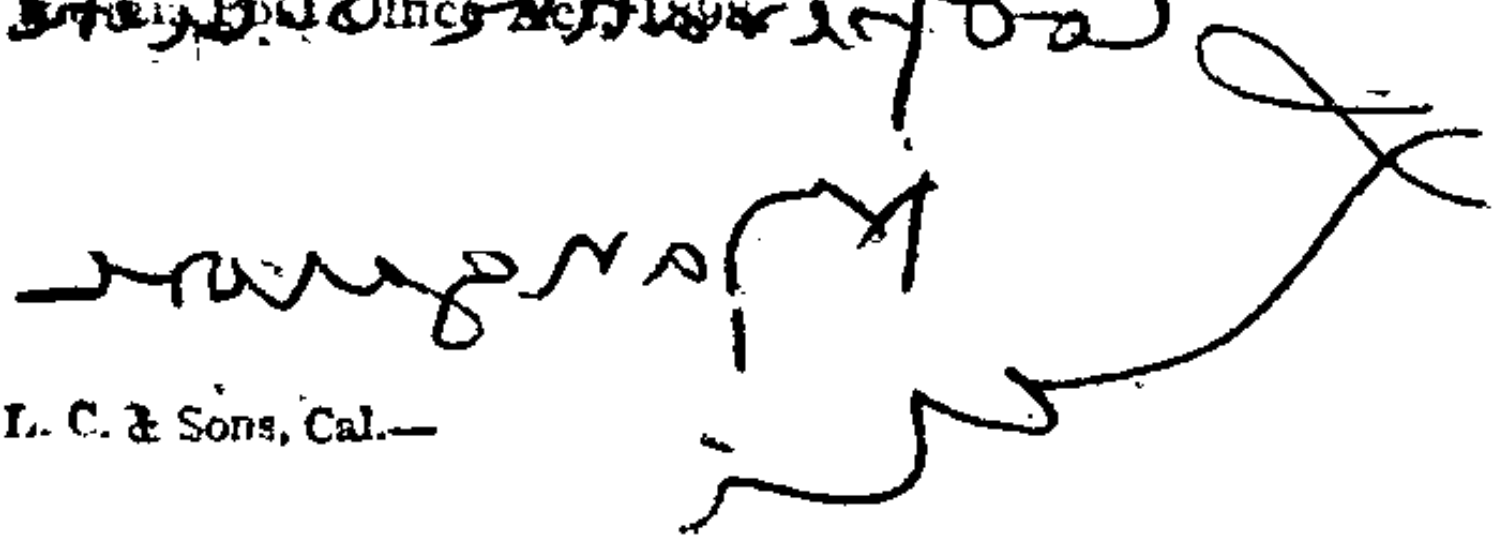
Name and address of sender _____

Weight { *Rolas* _____ *Tolas* _____

CHEPAUK PARCEL BRANCH MADRAS

NOTICE (1).—The Post Office is not responsible for loss or damage in the case of Inland registered articles, unless they are also insured.

(2).—The special conditions and restrictions as to insurance which will be found in the current edition of the [illegible] paragraph, guide and binding upon every sender of an insured postal article by virtue of rules prescribed under the [illegible]



L. C. & Sons, Cal.—

For Insurance Notices see reverse

5.664

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

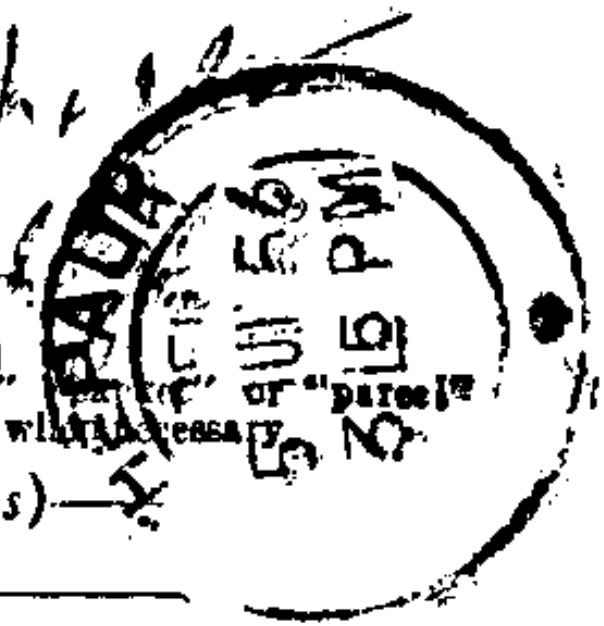
Rs. As.
Due-stamp 12 0

* Received a registered* _____
dressed to _____

_____

_____

_____



_____
tials of Receiving Officer

*Write here "letter," "postcard," "packet" or "parcel" with the word "Insured" before it when necessary.

Insured for Rs. (in figures) _____ *(in words)* _____

_____

Weight } *Rates*
surance fee Rs. ——*As.*——*(in words)* } *Tolas*

me and dress ender} _____

_____

_____

NOTICE (1).—The Post Office is not responsible for loss
damage in the case of Inland registered articles, unless they are
insured.

(2).—The special conditions and restrictions as
insurance which will be found in the current edition of the P
and Telegraph Guide are binding upon every sender of an insu
postal article by virtue of rules prescribed under the Indian P
Office Act, 1898.

BP. P.-88/53 MB—4288/OP 88 P and T—12000 BKS. 29

6.663

For Insurance Notices see reverse

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Rs. As.
Date-stamp

Received a registered*
Addressed to

Initials of Receiving Officer

*Write here "letter," "postcard," "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (*in figures*) ——— (*in words*) ———

Insurance fee Rs. ——*As.* —— (*in words*) } *Weight* / *Rates* ———
Tolas

Name and address of sender { ———
———
———

NOTICE(1).—The Post Office is not responsible for loss damage in the case of Inland registered articles, unless they are insured.

(2).—The special conditions and restrictions as insurance which will be found in the current edition of the and Telegraph Guide are binding upon every sender of an insu postal article by virtue of rules prescribed under the Indian Office Act, 1898.

BP-PC-88/53 MB—4288/OP 88 P and T—12000 BKS. 28-3-55

No. 662

For Insurance Notices see reverse

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Rs. As. 4 1

Date-stamp

812-D

Received a registered _____

dressed to _____

_____

_____

_____

Seal of Receiving Officer

*Write here "letter," "postcard," "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) ——— *(in words)* ———

_____

Insurance fee Rs.——*As.*——*(in words)* } *Weight* / *Rates* / *Tolas.*

Name and address of sender { _____ _____ _____

NOTICE(1).—The Post Office is not responsible for loss damage in the case of Inland registered articles, unless they are a insured.

(2).—The special conditions and restrictions as insurance which will be found in the current edition of the P and Telegraph Guide are binding upon every sender of an insu postal article by virtue of rules prescribed under the Indian Office Act, 1898.

BP-PC-88/53 MB—4288/OP 88 P and T—12000 BKS 28-3-55

No. 661

For Insurance Notices see reverse

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Rs. As.
Date-stamp

Received a registered*
addressed to

Officer

*Write here "letter," "postcard," "parcel" or "packet" as the case may be, and strike out the words which do not apply. In the case of an insured article, fill in the amount of insurance with the word "insured" before it when

(in words)

Weight } Rates
Tolas

No. 661

For Insurance Notices see reverse

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Rs. As. 1 2

Date-stamp 2 JUN 55

Received a registered* addressed to [illegible]

Jorhat

Initials of Receiving Officer

*Write here "letter," "postcard," "packet" or "parcel" with the word "insured" before it when

Insured for Rs. (in figures) ——— *(in words)* ———

Insurance fee Rs. ——— *As.* ——— *(in words)*

Weight } *Rates*
Tolas

Name and address of sender

NOTICE (1)—The Post Office is not responsible for loss or damage in the case of Inland registered articles, unless they are also insured.

(2)—The special conditions and restrictions as to insurance which will be found in the current edition of the Post and Telegraph Guide are binding upon every sender of an insured postal article by virtue of rules prescribed under the Indian Post Office Act, 1898.

BP-PC-88/53 MB—4288/OP 88 P and T—12000 BKS. 28-3-55.

ORDER UNDER SECTION 51 (5) OF THE MADRAS CO-OPERATIVE SOCIETIES ACT VI OF 1932.

Present Sri A. Hiriyannaswamy, B.A.,
Joint Registrar.

R.C.39/55 P. Dated 23-5-1955.

Sub: ARBITRATION—The Talapady Co-operative Society Award in A.R.C.101/54-55—Revision petition—dismissed.

Read: 1. Revision petition filed by Sri Mohamed Beary and others.
2. Joint Registrar's notice R.C.39/55 P. dated 26-3-56 and 14-5-56.
3. and other connected records.

ORDER

This is a revision petition filed by Messrs. Mohamed Beary, Sri Arabi Beary and P.S. Abdul Khader against the award passed in A.R.C. 101/54-55 dated 2-3-55. The facts of the case are as follows:-

2. The Talapady Co-operative Society filed an arbitration reference before the Deputy Registrar, Mangalore for the recovery of Rs. 274-7-4 due from the petitioners, on a surety bond dated 18-4-53 executed by Sri Mohamed Beary, as principal borrower and also by the second and third petitioners as sureties. The Deputy Registrar took the reference on file and referred it to an Honorary Arbitrator for enquiry and disposal. The Arbitrator has enquired into the matter passed an award for Rs. 274-7-4 against the petitioners. It is against this award of the Arbitrator, that the Revision Petition has been filed.

3. The Revision Petition came up before me for final hearing on 21-5-56 at Mangalore. The petitioners remained exparte. The Talapady Co-operative Society (now the Kotekar Agricultural Co-operative Bank) was represented by its Secretary. The contention of the petitioners in this their signatures were forged and that they did not sign the bond nor did they receive any amount. It is seen from the records that the bond was signed by the petitioners and that the principal borrower had acknowledged receipt of the amount of loan disbursed. It is also seen that the petitioners had signed the admission register of the society when they were admitted as members. It is also seen that the signatures of the petitioners in the admission book tally with those found in the bond and voucher. It is clear from the relevant records produced before me that the loan in question was disbursed to the principal borrower who had acknowledged receipt of the amount of loan disbursed. All the petitioners have signed the bond dated 18-4-53. In the result I find no reason to interfere in the matter. The revision petition is therefore dismissed.

Given under my hand and seal this 23th day of May 1956.

A. Hiriyannaswamy,
Joint Registrar.

Forwarded/By Order.

Manager. 5/6 1-6-56

R.C.39/55 9/6/56

1. Sri Mohamed Beary S/O. (Spare) Pasha Babaya Beary, Talapady, Mangalore Taluk.
2. Sri P.S. Abdul Kader, S/O C. Mire Beary, Talapady, Mangalore Taluk.
3. Sri Arabi Beary, S/O Babaya Beary, Talapady, Mangalore Tq.
4. The Secretary, The Kotekar Agricultural Coop. Bank Kotekar, Mangalore Taluk (1-4 by Regd. Postback due)

P.T.O.

Copy to the Deputy Registrar Mangalore.

(Spare)

P. P. 54. **Acknowledgment.**

(To be returned to office of posting for delivery to sender.)

To

Received a registered ..... No.

Addressed to (name) Sir. Mohamed Beary

.....

Delivered for .....

Delivering (in words) .....

Signature of addressee .....

Date of delivery *19*

Write here, "letter," "post-card," "packet," or "parcel," as the case may be, preceded by the word "insured" if the article is insured.

To be filled up only in the case of insured articles, and to be scored out in the case of other articles.

LC&S 29—(MFP No. OP-243-P&T—8-8-52)—(PC/AS/52 CME—18-8-52)—3,05,000 Bks.

38 × 39/55 P

On Postal Service.

Sender's signature and address: The Registrar & Co-op Societies, Madras-5.

Name-stamp of office of posting.

49

A. F. 54. Acknowledgment.

(To be returned to office of posting for delivery to sender.)

Received a registered ..... No. .....

addressed to (name) J. C. Abdul Kader .....

.....

† Insured for Rs. .....

† Weighing (in words) ..... ozs. grms.

Signature of addressee ..... J. C. Abdul Kader .....

Date of delivery ..... 8. 6. 1936.

---

* Write here, "letter," "post-card" "packet," or "parcel," as the case may be preceded by the word "insured" if the article is insured.

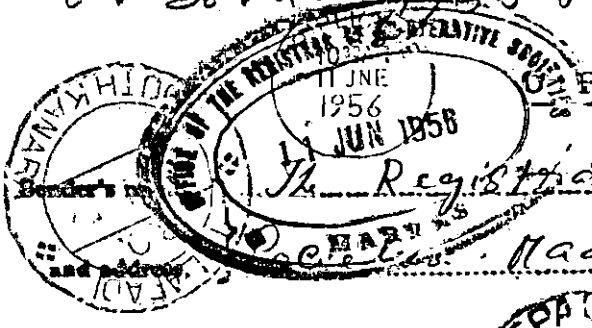
† To be filled up only in the case of insured articles, and to be scored out in the case of other articles.

L.C.&S.—29—(MFP No. C[illegible]-24[illegible]-P.G.C.52 CMB—18-8-52)—3,05,000 Bks.

S. Balasha
B.A.M.

RP 38/R.D. 39/65 P.

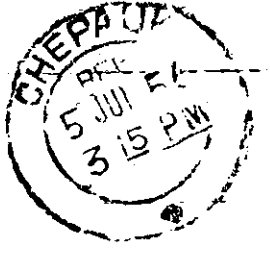
On Postal Service.



To The Registrar of Co-op

Madras 5.

Sender's name and address.



Name-stamp of office of posting.

51

P. P. 54. **Acknowledgment.**

(To be returned to office of posting for delivery to sender.)

RECEIVED a registered ..... No. .....

addressed to (name) H. Secretary, The Kotekar

Agri. Co-op. Bank, Kotekar

† Insured for Rs. .....

† Weighing (*in words*) For The Kotekar Co-operative Agricultural Bank, Ltd., No. L 804. tolas rates

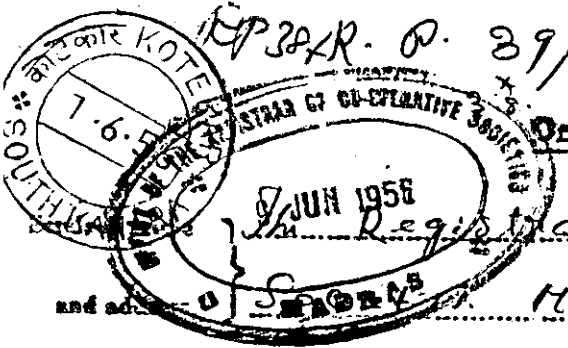
Signature of addressee ..... President/Secretary

Date of delivery 7-6-1956

Write here, "letter," "post-card," "packet," or "parcel," as the case may be preceded by the word "insured" if the article is insured.

† To be filled up only in the case of insured articles, and to be scored out in the case of other articles.

LC&C 29—(MFP No. OP-243-P&T—8-8-52)—(PC/243/52 MB—18-o-52)—3-5,000 Pads.

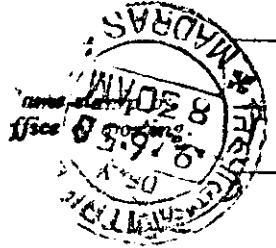


C.P. 38/R. O. 39/56 P.

On Postal Service.

The Registrar of Co-op.

and ad... Madras. 5.



...—P. 54. Acknowledgement. 57

(To be returned to office of posting for delivery to sender.)

Received a registered* No.

addressed to (name) Dr. A Nalini Beadry

.....

†† Insured for Rs.....

† Weighing (in words).....

Signature of addressee X [illegible]

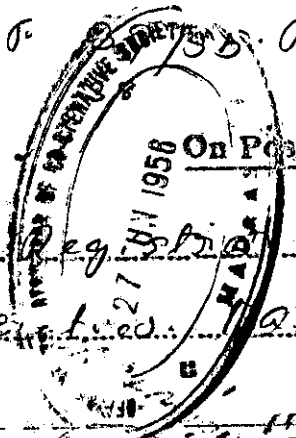
Date of delivery 25-6-1956.

---

* Write here, "letter," "post-card," "packet," or "parcel," as the case may be preceded by the word "insured" if the article is insured.

† To be filled up only for registered articles. All to be scored out in the case of other articles.

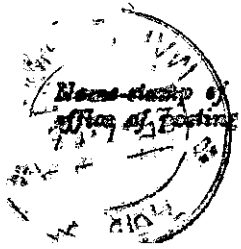
LC&S—29—(MFP No. [illegible]-243-P&T—8-8-52)—(PC/243/52 CM2—18-8-52) —3,05,000 Bks.

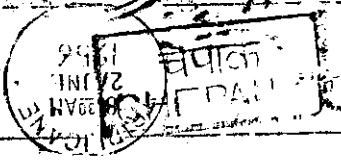


On Postal Service.

Item No. ... Reg. Ltr. 2 Cmp

and address. ... Certified ... Madras-5





COOPERATIVE DEPARTMENT. (102250) RP 39/55P.

From
Sri K. Kalappa Shetty,B.A.,
Deputy Registrar of Coop.
Societies, Mangalore.

To
The Registrar of Cooperative
Societies, Madras - 5.

No. Rc.11737/55 G. Dated: 11--6--1956.

Sir,

Arbitration - The Talapady cooperative Society - Award in ARC.101/54-55 - Revision Petition - Dismissed - Records acknwoledged

Ref: Registrar's R.P.39/55 P dated 29-5-56.

I acknowledge receipt of Registrar's reference cited as also this office disposal ARC.101/54-55.

11/6
For Deputy Registrar.

MAJ/11.6.

11/6

Sub.: Arbitration Te Talapadey - Coop Socy - award in Claim No 101/54-55 - revision of-

R.P. 39 /55 P.

Dff 1-8 | Ref: R.P filed by Messrs 1) Mohamed Beary 2) Arabi Beary and 3) T.C. Abdul Khadar Beary

Dff 1-8 | The R.P filed under section 51(5) of the M.C.S Act against the award passed in Claim NO 101/54-55 on the file of the Deputy Registrar Mangalore, may be perused.

2) The Award copy and the treasury chal for Re 1/- have been sent. The R.P may be taken on the file and the remarks of the Deputy Registrar, Mangalore, called for on it, with the Connected records in original.

3) Endt in N Ref to the Dy Registrar Mangalore, is put up Subject to approval

11-6-55. 11/6 15/6

Reg Jt R's query and orders at A above,

The award copy needs to be affixed with Court fee Labels as the Revision Petition is under Sec 51-(5).

Sign - for Endt.

26/6 27/6 27/6

RP 39/55P.

Reg: Letter No 11737/51 GD 27/2/56 of the DC/Mangalore with enclosure. p9-10c flag (A)

The DC/Mangalore has offered his remarks on the RD and has submitted the connected RR file. This may be seen at the end of September 56. p9-10c flag (A)

SK 7/2/56 DR 12/2

Yes, Mark 14/2/56

this case may be put till March 56 as there are many old cases pending disposal. For orders.

WS 7/11/55 SK 13/11 DR 14/11

Yes, Mark 13/11

Draft notice to parties put up for t.o approval

WS 26/1/56 SK 26/1 G 27/1/56.

Yes, Mark 27/1/56

Issued at (pp 13)

Draft memo to parties put up for t.o. approval

WS 31/1/56 SK 31/1 G 31/1/56.

Yes, Mark 31/1/56

Issued at (pp 23)

Draft notice to parties put up for t.o. approval.

WS 20/2/56 SK 20/2

Yes, Mark 20/2/56

(Issued at p25c)

Parties have not acknowledged receipt of notice of hearing. A note is submitted separately

27/2 28/2/56.

Secretary of the Society and Sri A Rao Kale have acknowledged receipt of notice of hearing. (Vide Case 36/55 D)

1/3

[Reg :- JRIR's orders]
Draft notice to parties as ordered by JRIR) put up for to approve

26/3/56 26/3/56

28/3/56.

Typed in 26.3.56

(Issued at page 29)

R-P 86/55-D

Only two parties have acknowledged receipt of notice of hearing. A note was already submitted

6/4

Heard in on 7.4.56. like my case Rp 36/55-P to be taken along.

9.4.56.

RP 36/55 P Below

As ordered draft notice to parties is put up for to approval

11/5/56

11-5-56 14.5.56.

14.5.56

[Issued at page 31]

Notice to parties sent with 36/55. A note is separately submitted for orders

18.5.56. 18/5/56

Rp. in my case no O.P. 36/55 16.5.56

Issue the Amendment.

29/7

(Issued at Ext. 33)

[Reg: Acknowledgement from Parties and D.R, MBS] Cf P. 47-55

The parties have acknowledged receipt of the Judgment and the D.R, MGE, has acknowledged receipt of the records. This may be recorded in D.F.C. D.RP 39/55P Cf P. 47-55

D.RP 39/55P

2) Orders may be passed in terms of the Amendment also

B 31/7/56 B ...7.56

Why is Section Paper sent to me & what to do in my Court?

6/7/56

Sir

Sent by mistake.

B 10/7/56.

D.R.P. 39/55P recorded

B 10/7/56

D.RP 39/55P

10.7.56